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PATENT APPLICATION
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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Steven L. Webb et al.

Serial No.: 09/234,255

Examiner: Thomas J Joseph

Filing Date: 1/20/99

Group Art Unit: 2173

Title: Method and Apparatus for improving a progress monitor during a long computer process

THE ASSISTANT COMMISSIONER OF PATENTS
Washington, D.C. 20231

RECEIVED
FEB 07 2002
Technology Center 2100

Sir:

This is in response to the office action mailed on Oct. 11, 2001.

REMARKS

Claims 1-10 are rejected. Claim 1 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (5,805,166). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Claim 1 requires "a progress indicator that divides the progress area into a first part of the progress area and a second part of the progress area, where the first part of the progress area corresponds to the amount of completion of the process being monitored;" and "information, in addition to the progress of the process, visible displayed in the first part of the progress area." The examiner indicates that information in the window graphic of Hall can be interpreted as being part of the first part of the progress area when the entire window is interpreted as the progress area. However, if the entire window is interpreted as being the progress area, then the first part of the progress area no longer

corresponds to the amount of completion of the process being monitored as required by claim 1. If the entire window is not part of the first part of the progress area, then the requirement of having information, in addition to the progress of the process, visible displayed in the first part of the progress area, is no longer met. Therefore Hall does not teach or suggest all the limitations required by claim 1 and claim 1 is allowable as written.

Claims 2 - 9 are dependent on allowable claim 1, and are therefore allowable.

Claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (5,805,166). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Claim 10 requires "dividing the progress area into a first part and a second part where the first part of the progress area corresponds to the amount of completion of the process being monitored;" and "visibly displaying information, in addition to the progress of the process, in the first part of the progress area." Hall does not teach or suggest that the additional information displayed is located in the part of the progress area that corresponds to the amount of completion of the process being monitored. Hall only shows additional information near or next to the progress area that corresponds to the amount of completion of the process being monitored. Hall does not teach each and every limitation required by claim 10 and the examiner has not set forth the requirements for a *prima facie* case. Therefore claim 10 is allowable as written.

This application is considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

By 

Steven L. Webb

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January 10, 2002
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